

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

Civil Action No. 12-CV-303

AUTOZONE, INC., and
AUTOZONERS, LLC.,

Defendants.

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, Civil Local Rule 56, and Civil Local Rule 7, Defendants AutoZone, Inc. and AutoZoners, LLC move for summary judgment as to the entirety of Plaintiff Equal Employment Opportunity Commission's First Amended Complaint in the above-captioned action and any all claims asserted against Defendants therein. Defendants respectfully submit that there is no genuine dispute as to any material fact and Defendants are entitled to judgment as a matter of law.

Defendants submit that on the facts of record, viewed in the light most favorable to Plaintiff, no finder of fact could reasonably find in favor of Plaintiff as to its claim that Defendants failed to provide reasonable accommodation for Margaret Zych and terminated her employment in violation of the Americans with Disabilities Act, as amended.

On the facts of record, no fact finder can reasonably find that Ms. Zych is a "qualified" individual as that term is used in the ADA. In support of the instant motion, Defendants submit the contemporaneously filed Memorandum of Law in Support of Defendants' Motion for

Summary Judgment; the contemporaneously filed Defendants' Proposed Statement of Material Facts as to which there is no genuine dispute and entitle Defendants to judgment as a matter of law; the Declaration of Matthew J. Feery and supporting exhibits; the Declaration of Tabari Stewart and supporting exhibit; the Declaration of Robert Diaz; the Declaration of Josh Brooks; the Declaration of Owen May and supporting exhibits; and the Declaration of Timothy Young.

WHEREFORE, Defendants respectfully pray that the Court enter an order granting Defendants' Motion for Summary Judgment and enter judgment in favor of Defendants as to the entirety of Plaintiff's First Amended Complaint in this action.

DATED this 8th day of January, 2014.

GONZALEZ SAGGIO & HARLAN, LLP

By: _____ /s Emery K. Harlan
Emery K. Harlan
State Bar No. 1000240
Matthew J. Feery
State Bar No. 1066354
Gonzalez Saggio & Harlan, LLP
111 E. Wisconsin Avenue, #1000
Milwaukee, WI 53202
Phone: 414-277-8500
Fax: 414-277-8521
E-mail: Emery_Harlan@gshllp.com
E-mail: matthew_feery@gshllp.com
Attorneys for Defendant